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HOUSE BILL 2528

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State of Washington

56th Legislature

2000 Regular Session

By Representatives Cairnes, Cooper, G. Chandler, Dunshee, Tokuda, Linville, Stensen, Lovick, Esser, Kenney, Barlean, Constantine, Murray and Keiser

Read first time 01/17/2000. Referred to Committee on Local Government.

1 AN ACT Relating to capacity charges for sewage facilities to  
2 enhance water quality; and amending RCW 35.58.570.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 35.58.570 and 1996 c 230 s 1602 are each amended to  
5 read as follows:

6 (1) A metropolitan municipal corporation that is engaged in the  
7 transmission, treatment, and disposal of sewage may impose a capacity  
8 charge on users of the metropolitan municipal corporation's sewage  
9 facilities when the user connects, reconnects, or establishes a new  
10 service. The capacity charge shall be imposed monthly and approved by  
11 the council of the metropolitan municipal corporation and reviewed and  
12 reapproved annually.

13 ~~((+2))~~ The capacity charge shall be based upon the cost of the  
14 sewage facilities' excess capacity that is necessary to provide  
15 sewerage treatment for new users to the system. ~~((The capacity charge,~~  
16 ~~which may be collected over a period of fifteen years, shall not~~  
17 ~~exceed:~~

18 ~~(a) Seven dollars per month per residential customer equivalent for~~  
19 ~~connections and reconnections occurring prior to January 1, 1996; and~~

1       ~~(b) Ten dollars and fifty cents per month per residential customer~~  
2 ~~equivalent for connections and reconnections occurring after January 1,~~  
3 ~~1996, and prior to January 1, 2001.~~

4       ~~For connections and reconnections occurring after January 1, 2001,~~  
5 ~~the capacity charge shall not exceed fifty percent of the basic sewer~~  
6 ~~rate per residential customer equivalent established by the~~  
7 ~~metropolitan municipal corporation at the time of the connection or~~  
8 ~~reconnection.~~

9       ~~(3) The capacity charge for a building other than a single family~~  
10 ~~residence shall be based on the projected number of residential~~  
11 ~~customer equivalents to be represented by the building, considering its~~  
12 ~~intended use.~~

13       ~~(4)) (2) A metropolitan municipal corporation may charge property~~  
14 ~~owners seeking to connect to the sewage facilities of the metropolitan~~  
15 ~~municipal corporation as a condition to granting the right to so~~  
16 ~~connect, in addition to the cost of such connection, such reasonable~~  
17 ~~connection charge as the legislative body of the metropolitan municipal~~  
18 ~~corporation shall determine proper in order that such property owners~~  
19 ~~shall bear their equitable share of the cost of such system. The~~  
20 ~~equitable share may include interest charges applied from the date of~~  
21 ~~construction of the sewage facilities until the connection, or for a~~  
22 ~~period not to exceed ten years, at a rate commensurate with the rate of~~  
23 ~~interest applicable to the metropolitan municipal corporation at the~~  
24 ~~time of construction or major rehabilitation of the sewage facilities,~~  
25 ~~or at the time of installation of the sewer lines to which the property~~  
26 ~~owner is seeking to connect but not to exceed ten percent per year:~~  
27 ~~PROVIDED, That the aggregate amount of interest shall not exceed the~~  
28 ~~equitable share of the cost of the sewage facilities allocated to such~~  
29 ~~property owners. Connection charges collected shall be considered~~  
30 ~~revenue of the sewage facilities.~~

31       (3) The council of the metropolitan municipal corporation shall  
32 enforce the collection of the capacity charge in the same manner  
33 provided for the collection, enforcement, and payment of rates and  
34 charges for water-sewer districts provided in RCW 57.08.081. At least  
35 thirty days before commencement of an action to foreclose a lien for a  
36 capacity charge, the metropolitan municipal corporation shall send  
37 written notice of delinquency in payment of the capacity charge to any  
38 first mortgage or deed of trust holder of record at the address of  
39 record.

1       (~~(5) As used in this section, "sewage facilities" means capital~~  
2 ~~projects identified since January 1, 1982, to July 23, 1989, in the~~  
3 ~~metropolitan municipal corporation's comprehensive water pollution~~  
4 ~~abatement plan. "Residential customer equivalent" shall have the same~~  
5 ~~meaning used by the metropolitan municipal corporation in determining~~  
6 ~~rates and charges at the time the capacity charge is imposed.))~~

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